

**Perrella Gloves/Jay Ruckel, Inc., d/b/a Perrella
Gloves and Gloves Cities Area Joint Board,
Amalgamated Clothing and Textile Workers
Union, and Amalgamated Clothing and Textile
Workers Union, Local 2486. Case 3-CA-15747**

July 9, 1992

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND OVIATT

On August 27, 1991, the National Labor Relations Board issued a Decision and Order, inter alia, ordering Respondent, Perrella Gloves/Jay Ruckel, Inc., d/b/a Perrella Gloves, to make whole its bargaining unit employees and the Charging Party Union for any loss of wages or benefits they may have suffered as a result of its violations of Section 8(a)(1) and (5) of the National Labor Relations Act.¹

A controversy having arisen over the amount of backpay due discriminatees, pursuant to a stipulation entered by the Respondent on January 15, 1992, on April 14, 1992, the Regional Director for Region 3 issued an amended compliance specification and notice of hearing alleging the amount due the employees and union fund under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations.² Although properly served with a copy of the amended compliance specification, the Respondent has failed to file an answer.

By letter dated May 18, 1992, the field attorney advised the Respondent and its attorney that no answer to the amended compliance specification had been received and that unless an appropriate answer was filed by May 26, 1992, summary judgment would be sought. The Respondent filed no answer.

On June 5, 1992, the General Counsel filed with the Board a motion to transfer the case to and continue proceedings before the Board and for summary judgment and issuance of a Decision and Order, with exhibits attached. On June 10, 1992, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the amended compliance specification are therefore undisputed.

¹ 304 NLRB No. 61.

² An original compliance specification and notice of hearing issued on February 28, 1992, and an amendment to that compliance specification issued on March 5, 1992.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the amended compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the amended compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net backpay due is as stated in the amended compliance specification and we will order payment by the Respondent as set forth therein.

ORDER

The National Labor Relations Board orders that the Respondent, Perrella Gloves/Jay Ruckel, Inc., d/b/a Perrella Gloves, Gloversville, New York, its officers, agents, successors, and assigns, shall make whole the individuals set forth below by paying them the amounts as follows, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings required by Federal and state laws, and by paying the amount to the fund set forth below:

Baird, Beatrice	\$1,733.00
Booth, Margaret	4,344.00
Bovee, Carmita	5,402.00
DeCicco, Imilia	6,182.00
DiMarco, James J.	2,652.00
Ferguson, Clara	4,446.00
Ferrara, Joseph	2,271.00
Gallup, Mark D.	4,061.00
Maiello, Mary	4,740.00
Morrison, Thelma	3,674.00

DECISIONS OF THE NATIONAL LABOR RELATIONS BOARD

Randa, Mary	5,000.00	Van Nostrand, Susan	3,710.00
Rapa, Nancy	1,444.00	Vaughn, Warren	4,388.00
Shafer, Helen	3,953.00	Amalgamated Cotton Garment	
Tucci, Ida	1,841.00	and Allied Industries Fund	10,801.30